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General Assembly

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Sixty-second session
Agenda items 16 and 20

Protracted conflicts in the GUAM area and their implications for international peace, security and development

The situation in the occupied territories of Azerbaijan

Letter dated 17 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

I have the honour to transmit the summary report of the International Conference on Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States, held in Baku on 15 and 16 April 2008 (see annex).

I should be grateful if the present letter and report were distributed as a document of the General Assembly, under agenda items 16 and 20.

(*Signed*) Ilgar **Mammadov**
Chargé d'affaires a.i.
Deputy Permanent Representative

08-44043 (E) 300708

Annex to the letter dated 17 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Azerbaijan to the United Nations addressed to the Secretary-General

Summary report of the International Conference on Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States

Baku, 15-16 April 2008

1. Joint efforts of the GUAM States on the settlement of the protracted conflicts on their territories

At the Summit of the Heads of State of the Organization for Democracy and Economic Development — GUAM, held in Kyiv on 22-23 May 2006, a Joint Declaration on the issue of conflict settlement was adopted.[1] This document gives both the political and legal appraisal of the armed conflicts on the territories of some GUAM States, draws attention to the threats to international security and obstacles to sustainable development of these countries caused by the conflicts, and consolidates the principled basis for their settlement.

The Joint Declaration recognizes that unresolved conflicts and illegal military presence on the territories of the Republic of Azerbaijan, Georgia, and the Republic of Moldova undermine the sovereignty, territorial integrity and political independence of these States, impede implementation of full-scale democratic reforms, jeopardize regional security, negatively impact pan-European integration processes and challenge the entire international community.

In this connection the document declares that settlement of the conflicts on the territories of the GUAM States shall be carried out exclusively on the basis of respect for the sovereignty, territorial integrity and inviolability of the internationally recognized borders of the States, and represents one of the priority objectives of cooperation within GUAM.

The document stresses that the territory of a State shall not be the subject of acquisition or military occupation, resulting from the use of force in contravention of the relevant international legal norms. In this regard, according to the Joint Declaration, no territorial acquisition and the resulting self-proclaimed entities shall be recognized as legal under any circumstances whatsoever.

The document reminds about the obligations of States not to intervene in the affairs of any other State and not to exert military, political, economic or any other coercion thereupon.

The GUAM Heads of State underscores the lack of prospects and malignancy of separatism and disintegration, the incompatibility of the use of force and the practice of ethnic cleansing and territorial seizures with the universal and European values, the principles and ideals of peace, democracy, stability and regional cooperation.

[1] For text, see the Compilation of the GUAM Documents (Baku: CBS, 2nd ed., volume I, 2008), pp. 247-249.

The Joint Declaration stresses in this context the importance of consolidation of efforts of the GUAM States and the international community to settle the conflicts by means of re-integration of the "uncontrolled" territories into the States that they are part of, return of forcibly displaced population to the areas of permanent residency and ensuring peaceful coexistence of various ethnic groups within the internationally recognized borders of the States, development of civil society, restoration of destroyed infrastructure on these territories, as well as the use of communications to the benefit of all parties.

The Joint Declaration contains an important conclusion that the status of self-rule for the communities constituting the population of "uncontrolled" territories, which will create the necessary conditions for effective exercise of their rights to equal participation in the conduct of State affairs, including through formation of legitimate regional authorities at all levels, can be determined exclusively within the legal and democratic process.

The Joint Declaration welcomes the efforts of the international community and stresses the importance of providing support to the GUAM States in the development and implementation of a comprehensive and consistent strategy for conflict settlement based on the above mentioned principles, including short and long-term measures aimed at the achievement and maintenance of lasting peace, security and sustainable development.

With the view of consolidating the ideas laid down in the Joint Declaration and to attract attention of the international community to the necessity of soonest resolution of the conflicts on the territories of some GUAM States, an item entitled "Protracted Conflicts in the GUAM area and their Implications for International Peace, Security and Development" was included into the agenda of the United Nations General Assembly, and the draft resolution was submitted for consideration.

2. The course of the Conference

On 15-16 April 2008 the Ministry of Foreign Affairs of the Republic of Azerbaijan, in capacity of the country's chairmanship in the Organization for Democracy and Economic Development — GUAM, convened an International Conference, entitled "Basic principles for the settlement of the conflicts on the territories of the GUAM States".

The Conference gathered the high level representatives and experts of the GUAM States, of the partner countries and other interested States as well as renowned foreign experts in both international law and international relations.

In his opening remarks, H.E. Mr. Elmar Mammadyarov, Minister of Foreign Affairs of the Republic of Azerbaijan, drew the attention of the participants of the Conference to the fact that the process of development and integration among the GUAM States is still burdened by the unresolved conflicts on their territories. He underlined that these conflicts have almost the same origin, similarly developed scenario and dangerous consequences. According to the Minister, "they all started from the manifestation of aggressive separatism, were aimed from the very beginning at seizing the territories by using force and fundamental change of their demographic composition" as well as were accompanied by serious international crimes, such as war crimes, crimes against humanity and genocide.

The Minister of Foreign Affairs of Azerbaijan reminded that the GUAM States had elaborated the joint position on the conflict settlement issue, based on respect for the territorial integrity of the Republic of Azerbaijan, Georgia, and the Republic of Moldova, return of forcibly displaced persons to their homes, providing normal, secure, and equal conditions of life for all communities of the conflict-affected territories, which would allow to build up an effective democratic systems of self-governance therein within the internationally recognized borders of the respective GUAM States.

The officials from Azerbaijan, Georgia, Moldova, Ukraine, Latvia, Lithuania, Poland, Romania, Slovenia, Switzerland, Secretary-General of GUAM Mr. Valeri Chechelashvili, Honorary President of the Parliamentary Assembly of the Council of Europe Mr. Peter Schieder, Chairman of the International Law Commission Mr. Ian Brownlie, representatives of the academic communities of the GUAM States as well as of the leading academic institutions of Austria, Germany, Israel, Russia, Turkey, the United Kingdom and the United States of America delivered speeches in the deliberations of the Conference.[2]

3. The findings of the Conference

During the Conference particular attention was given to discussions of the wide range of issues pertaining to international law, including those relating to correlation between the principles of the territorial integrity of States and the right of people to self-determination, consequences of the illegal use of force and territorial acquisitions, as well as the responsibility for internationally wrongful acts and perspectives of making use of mechanisms of the international judicial institutions to this end.

The Conference has come to the following main conclusions:

- First, after the dissolution of the USSR the international legal doctrine *uti posseditis juris* created a foundation for the international, regional and national legitimation of the borders of the GUAM States. At the same time, the change of sovereignty as a result of the break-up of the USSR and the State succession declared by the former Union Republics were powerless to undermine their existing boundaries which achieved permanence. Accordingly, from the time the GUAM States attained independence their former Soviet administrative borders are recognized as international and thus protected by international law, in particular by the principle of territorial integrity of States. In this regard, attempts taken to legitimize unilateral secession from those States on the eve and in the aftermath of the dissolution of the USSR were not valid and therefore created no legal consequences whatsoever.

- Second, unilateral secession of a part of the territory from the sovereign State does not involve the exercise of any right conferred in international law and hence cannot be associated with the international legal principle of the right of peoples to self-determination, which apply within precisely identified limits. Moreover, self-determination is *a priori* ruled out when it is achieved through the practice of ethnic cleansing and serious international crimes.

[2] For more information about the conference, see Basic Principles for the Settlement of the Conflicts on the Territories of the GUAM States. Materials of the International Conference, Baku, 15-16 April 2008 (Baku: CBS, 2008).

- Third, occupation and violent separatism undermine the right to self-determination of the peoples of the GUAM States, which they exercise on their territories within the internationally recognized borders.

- Fourth, international law does not remain neutral when its peremptory norms are breached in an attempt of unilateral secession. Thus, in case of using force for the acquisition of territory and committing serious international crimes, the international community is under the obligation not to recognize the separatist entity, nor render aid or assistance to maintain the illegal situation.

- Fifth, attempts of unilateral secession accompanied by serious violations of human rights and fundamental freedoms, commission of war crimes, crimes against humanity and genocide entail international legal responsibility.

- Sixth, in regard of serious international crimes committed during the conflicts on the territories of some GUAM States, it was underlined the necessity of redoubling measures aimed at ensuring effective criminal prosecution of those responsible. In this context, it was recommended to explore the possibility of creating *ad hoc* tribunals or special national judicial bodies with international involvement.

- Seventh, as to the conflict between Armenia and Azerbaijan, it was pointed out that there exist well-established facts proving the illegal use of force by Armenia against the territorial integrity of Azerbaijan, and that Armenia in practice exercises overall effective control of the occupied territories of Azerbaijan, whether directly by its own armed forces or indirectly through a subordinate regime which, fulfilling the functions of the local administration, survives by virtue of Armenia's military and other support. Hence, the responsibility of Armenia is a consequence of both the illegal actions of its own authorities, its representatives or entities in the occupied territories and actions of subordinate local administration.

- Finally, the participants of the Conference expressed their solidarity with the efforts of the GUAM States directed at conflict settlement and removing their consequences, and underlined the importance of a development of a comprehensive and consistent strategy aimed at achieving and maintaining lasting peace, security, rule of law and sustainable development.

United Nations A/62/917

General Assembly

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Sixty-second session
Agenda item 14
Prevention of armed conflict

Letter dated 19 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to the President of the General Assembly

On instructions from my Government, I have the honour to provide an account of facts for your attention in relation to Thailand's violation of the sovereignty and territorial integrity of the Kingdom of Cambodia, as follows:

- The Temple of Preah Vihear in Cambodia was inscribed unanimously into the World Heritage List during the thirty-second session of the World Heritage Committee in Quebec City, Canada, on 7 July 2008. This gave rise to intense political protests in Thailand from the opposition forces against Thailand's Government. However, in spite of this internal turmoil, Cambodia never expected that Thai soldiers would move in and stay in the Cambodian pagoda.
- On 15 July 2008, about 50 Thai soldiers crossed into Keo Sikha Kiri Svara pagoda, located in Cambodia's territory about 300 metres from the Temple of Preah Vihear. By 16 and 17 July 2008, the number of Thai soldiers on the pagoda grounds had increased to 480.
- The Thai side used its unilaterally designed map (enclosure 1) to indicate that the pagoda is in the so-called "overlapping area". But, according to the Annex I map (enclosure 2) and the enlargement of the Annex I map (enclosure 3) used by the International Court of Justice to adjudicate the conflict between Cambodia and Thailand over the Temple of Preah Vihear in June 1962, the Court stated in its judgment:

> "The Court however considers that Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory. The Court considers further that, looked at as a whole, Thailand's subsequent conduct confirms and bears out her original acceptance, and that Thailand's acts on the ground do not suffice to negate this. Both parties, by their conduct, recognized the line and thereby in effect agreed to regard it as being the frontier line" (pp. 30-31);

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"The Court considers the acceptance of the Annex I map by the parties caused the map to enter the treaty settlement and to become an integral part of it" (p. 31); and

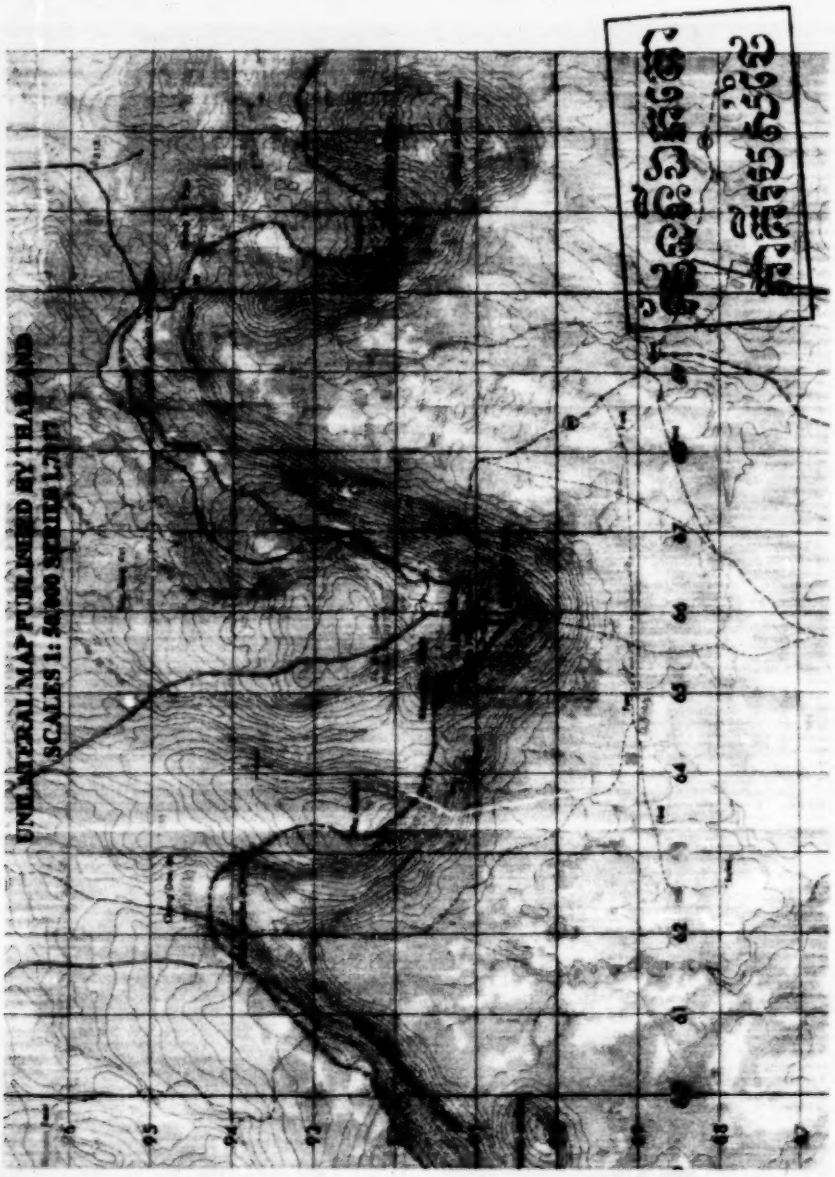
"The Court, therefore, feels bound, as a matter of treaty interpretation, to pronounce in favour of the line as mapped in the disputed area" (p. 33).

- Taking into account the above decision of the International Court of Justice, the only map which legally delimits the border in the area of the Temple of Preah Vihear is the Annex I map, on the basis of which the Court made its judgment.
- At the onset of this provoking act and increasing reinforcement of Thai soldiers on Cambodia's territory, Samdech Hun Sen, Prime Minister of the Kingdom of Cambodia, made telephone contact with and wrote to Samak Sundaravej, Prime Minister of Thailand, calling for actions to defuse the tension and for the immediate withdrawal of Thai troops from the pagoda grounds.
- In his letter of reply to Samdech Hun Sen on 18 July 2008, Samak Sundaravej claimed, apparently on the basis of a unilaterally designed Thai map, that the pagoda lies in the territory of the Kingdom of Thailand and that the presence of Cambodian residents and military personnel on the pagoda grounds is a violation of Thailand's sovereignty and territorial integrity.
- On 19 July 2008, Samdech Hun Sen wrote a letter of reply to Samak Sundaravej (enclosure 4), in which he stressed the legal validity of the frontier line between the two countries as shown in the Annex I map used for the judgment of the International Court of Justice.
- While Cambodia exercises maximum restraint to avoid armed confrontation, we cannot ignore that this Thai military provocation is aimed at creating a de facto "overlapping area" that legally does not exist on Cambodia soil.

I request you to circulate the present letter and its enclosures as a document of the General Assembly under agenda item 14.

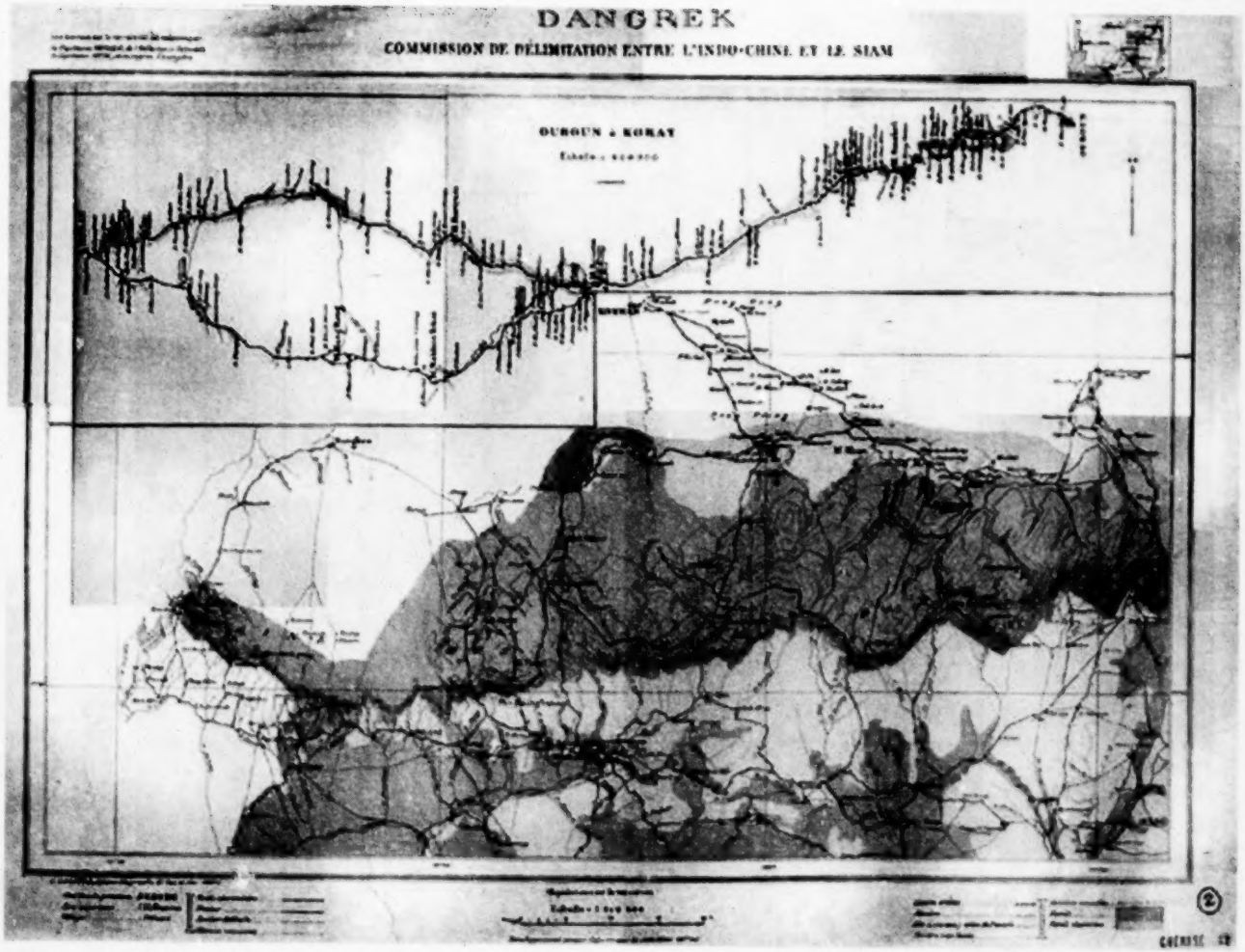
(*Signed*) **Sea** Kosal
Ambassador and Permanent Representative of the
Kingdom of Cambodia to the United Nations

Attachment 1



Enclosure 1

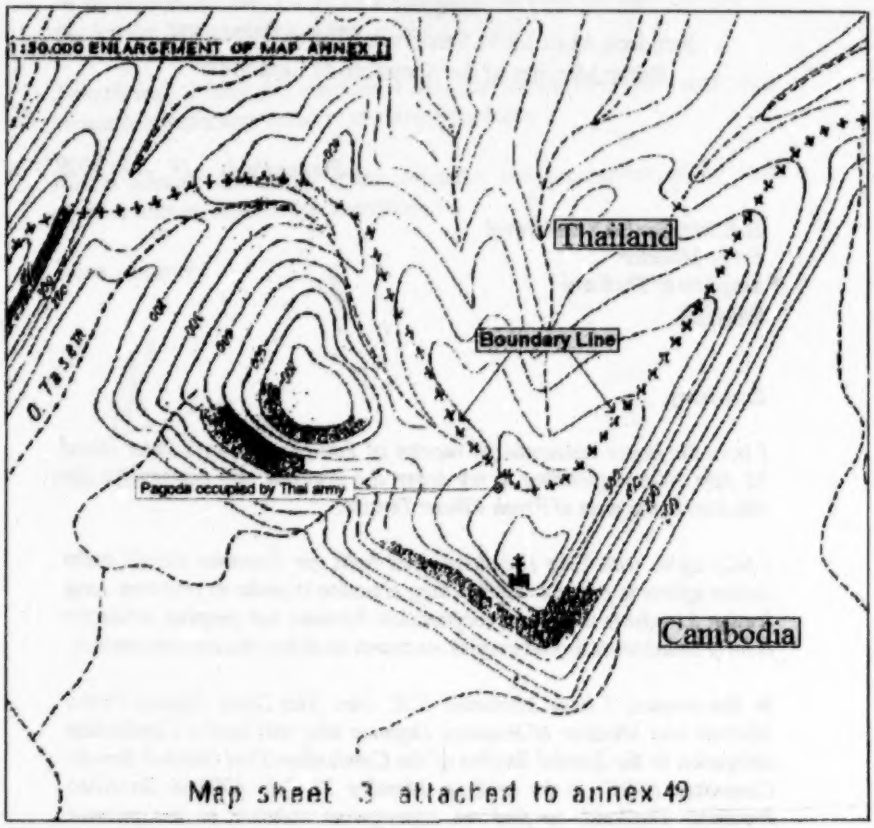
Enclosure 2



Map designated by the International Court of Justice as the Annex I map showing the frontier line in 1908

Enclosure 3

MAP BASED ON WHICH ICJ DECIDED THAT THE TEMPLE OF PREAH VIHEAR IS SITUATED IN TERRITORY UNDER THE SOVEREIGNTY OF CAMBODIA



- The International Court however considers that "Thailand in 1908-1909 did accept the Annex I map as representing the outcome of the work of delimitation, and hence recognized the line on that map as being the frontier line, the effect of which is to situate Preah Vihear in Cambodian territory."

- The ICJ considers further that "Both Parties, by their conduct , recognized the line and thereby in effect agreed to regard it as being the frontier line."

- The ICJ considers that "the acceptance of the Annex I map by the Parties caused the map to enter the treaty settlement and to become an integral part of it."

Enclosure 4

Samdech Akka Moha Sena Padei Techo HUN SEN
Prime Minister of the Kingdom of Cambodia

Phnom Penh, 19 July 2008

H.E. Mr. Samak Sundaravej
Prime Minister
Kingdom of Thailand
Bangkok

Excellency,

I have the honor acknowledge receipt of Your Excellency's letter dated 18 July 2008 responding to my letter the previous day concerning the situation in the area of Preah Vihear Temple.

I fully agree with Your Excellency that both our countries should make utmost efforts to prevent deteriorating situation in order to preserve long lasting friendship and good cooperation between our peoples, while we closely collaborate to find interim measures to defuse the current tension.

In this context, I have instructed H.E. Gen. Tea Banh, Deputy Prime Minister and Minister of National Defence who will lead a Cambodian delegation to the Special Session of the Cambodian-Thai General Border Committee (GBC) to be held on Monday 21 July 2008 in Sa Kaeo Province, Thailand, to find an appropriate solution to the present problem.

I have also instructed H.E. Var Kim Hong, Chairman of the Cambodia-Thailand Joint Border Commission (JBC) to work with his Thai counterpart to convene a Cambodian –Thailand JBC meeting as soon as possible in order to expedite completion of the demarcation work of the entire Thai-Cambodian border.

As far as the Keo Sikha Kiri Swara pagoda of Cambodia is concerned, may I bring to Your Excellency's attention that according to the "ANNEX I MAP" used by the International Court of Justice (ICJ) in 1962, it is legally located approximately seven hundred meters inside Cambodian territory. The "ANNEX I MAP", used by the ICJ as basis for its judgment in 1962, was drawn in 1908 as a result of the demarcation work

of the Commissions of Delimitation of the Boundary between Indo-China and Siam set up on the basis of the Convention of 1904 and the Treaty of 1907 between France and Siam and was accepted by the Kingdom of Siam.

In its reasoning, the ICJ very clearly demonstrated the legal validity of the border line as shown in the "ANNEX I MAP"

Nonetheless, I have full confidence that our joint efforts will result in a mutually satisfactory solution to current problem.

Please accept, Excellency Prime Minister, the assurances of my best regards and my highest consideration.

Yours sincerely,

Hun Sen

United Nations A/62/918

General Assembly

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Sixty-second session
Agenda items 70 and 70 (f)
Promotion and protection of human rights: celebration of the sixtieth anniversary of the Universal Declaration of Human Rights

Letter dated 28 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to enclose herewith the declaration circulated by the Permanent Mission of Cuba to the United Nations on 24 July 2008, entitled "United States: defender of so-called prisoner of conscience or violator of human rights?" (see annex).

Furthermore, I kindly request that the above-mentioned document be circulated as a document of the sixty-second session of the General Assembly, under agenda items 70 and 70 (f).

(*Signed*) Ileana **Nuñez Mordoche**
Ambassador
Chargé d'affaires a.i. of the Permanent Mission of Cuba
to the United Nations

08-44456 (E) 050808

Annex to the letter dated 28 July 2008 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

[Original: English and Spanish]

Press release

United States: defender of so-called prisoner of conscience or violator of human rights?

This afternoon, 24 July 2008, a panel entitled "Courageous voices: speaking out for prisoners of conscience" organized by the United States Mission to the United Nations took place. This event, as the Non-Aligned Movement predicted, was aimed at falsely accusing and selectively attacking some non-aligned countries.

As it was previously denounced, this event contravenes and violates the purposes of the Charter of the United Nations of "developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples" and "achieving international cooperation in solving international problems of an economic, social, cultural, or humanitarian character".

It is unacceptable that the United Nations facilities are used to carry out negative campaigns against States Members of the Organization and to promote confrontation, distrust and pursuing hidden agendas against sovereign nations. By holding this panel in the United Nations, the proper functioning and the credibility of the Organization and its Secretariat have been affected, setting a negative precedent.

The United States, the main massive violator of human rights, which disregard the right to development, the right to food and health, the rights of children and women, try to present themselves, through this event, as great defenders of the so-called prisoners of conscience, falsely accusing countries they try to dominate. It is clear that this is another attempt to hide their abominable crimes.

The United States intends to create a smokescreen to conceal its violations of human rights in Abu Ghraib, as well as its illegal Guantanamo Bay naval base where there have been, for around five years, flagrant and massive violations of the human rights of hundreds of prisoners who are tortured using reprehensible methods and who are cruelly, humiliatingly and inhumanely mistreated. It is the United States that is condemned for the legal limbo where these people are kept in contradiction to international law.

They also try to hide the kidnapping of hundreds of individuals who have been transferred, in over 800 clandestine flights, to secret prisons of the Central Intelligence Agency (CIA) where torture is practised, contravening fundamental rules of international law and international humanitarian law.

It is in the United States that five Cuban antiterrorist fighters are subjected to a long, unfair and cruel imprisonment as a result of a politicized trial. It is the United States Government that defends asphyxia as a legitimate method to extract confessions. It is also the Bush Administration that has been responsible for the illegal detention, for years, of hundreds of foreigners to allegedly be interrogated

about the criminal terrorist acts of September 11. Their names and circumstances are kept in secret. Instead of arraigning them, providing them with a lawyer, granting them their "day in court" and prosecuting them according to the rules of due process, they are indefinitely and secretly interrogated. It is likewise the United States Government that violates the civil and political rights of its own citizens by tapping and intercepting their private communications.

Instead of solving these problems, with this event the United States tried to grant the distinction of ex-prisoners of conscience to citizens like a Cuban vulgar common criminal who was prosecuted in Cuba for falsification of documents, illegal possession of weapons and sabotage, among other charges. This alleged "peaceful activist" has been regularly involved in acts against public order and physical aggression against civil servants and has frequently received considerable sums of money provided by United States authorities in payment for his crimes.

Recruiting, guiding and providing financial and logistical support to mercenaries on Cuban soil who are at the service of United States policy have been key objectives in the design and implementation of the anti-Cuban strategy and policy. Washington has always intended to create — by manipulating the traitors and people in favour of annexation whose names appear in their payroll — the false perception that in Cuba a purported fight among Cubans is being settled.

Many different forms of aggression, including the use of mercenaries, have been used as part of the undeclared war — which has become the true State policy — waged by the United States against Cuba. No foreign policy against a country has ever had such a wide and sophisticated arsenal of aggressive measures in the political, economic, cultural, diplomatic, military, psychological and ideological fields.

Small groups of allegedly "peaceful dissidents" and "human rights defenders" were created inside the island by the United States, through direct involvement of diplomats from the United States Interests Section in their subversive plans. To this end, the United States recruited people previously implicated in violent activities, even former officials, policemen and other lowlifes from Fulgencio Batista's dictatorial regime. These people, recruited and financed, carry out missions at the behest of the United States with the purpose of destroying the constitutional order chosen by Cubans and to enforce the provisions of the Helms-Burton Act.

The overwhelming increase of United States funds and means to recruit and finance anti-Cuba mercenaries (more than $80 million every two years) and the decision to involve to unprecedented levels United States agencies in the destabilization, attrition and the isolation of Cuba, corroborate how serious the threat is, even from the military point of view, against Cuba.

Both the Charter of the United Nations and the two International Covenants on Human Rights recognize that "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development", and that each State must promote and respect this right under the Charter of the United Nations.

The Cuban people has, as any other people, the right to defend itself against the political, diplomatic, economic, commercial, financial, radio, and television aggression that the United States Government wages against Cuba.

Why is it that the United States Administrations did not question nor question today the absurd and super-repressive legal measures and provisions adopted during the so-called "cold war" in the United States against the alleged "communist" danger, many of which are still in force, instead of attacking developing countries for political reasons?

Why is it that the provisions of the Logan Act, included in chapter 45, title 18, part 1 of the codification of Crimes and Criminal Procedures of the United States of America are not condemned? That norm establishes that any United States citizen, wherever he or she may be, who, without authorization from the United States, directly or indirectly establishes or enters into correspondence or any form of contact with a foreign Government or official, or an agent of a foreign Government, in relation to any disputes or controversies with the United States, shall be fined under that title or imprisoned not more than three years, or both.

However, the United States expect Cuba to allow the recruitment and activities of mercenaries who not only maintain correspondence with the Government of an imperialist power but also, after receiving considerable salaries, follow instructions and carry out missions aimed at implementing a hostile and aggressive foreign policy to the detriment of the Cuban people, with the intention of overthrowing Cuba's legitimately elected authorities and destroying the constitutional order freely chosen by its people in a referendum.

Cuba will continue withstanding the United States blockade that constitutes a basic violation of the Cuban people's human rights and that is also qualified as a genocide. The attempts of the United States to manipulate the issue of human rights to justify its policy of economic warfare and aggressions against Cuba are doomed to failure.

New York, 24 July 2008

United Nations A/62/919

General Assembly

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Sixty-second session
Agenda item 14
Prevention of armed conflict

Letter dated 30 July 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the General Assembly

With reference to the letter dated 19 July 2008 from the Permanent Representative of Cambodia to the United Nations addressed to you concerning Thai-Cambodian relations (A/62/917), under agenda item 14, I have the honour to inform you that the issue between Thailand and Cambodia under reference has subsequently been handled by a bilateral process and culminated in the agreement reached by the meeting of the Ministers for Foreign Affairs of the two countries on 28 July 2008 in Siem Reap Province of Cambodia, the positive account of which appears in my letter to the President of the Security Council dated 28 July 2008 (S/2008/494) and the related reference material (see enclosures).

I would be grateful if you could circulate the present letter and its enclosures as a document of the General Assembly.

(*Signed*) Don **Pramudwinai**
Ambassador and Permanent Representative of the Kingdom of Thailand
to the United Nations

08-44663 (E) 140808

Enclosure 1

With reference to my letter to you dated 22 July 2008 (S/2008/478) providing further accounts of fact regarding Thailand-Cambodia relations, and the subsequent letter of the Permanent Representative of the Kingdom of Cambodia to you dated 24 July 2008 on the matter (RC/MP/139/08), I have the honour to inform you as follows:

1. In the spirit of friendship and goodwill between the two neighbouring countries and fellow members of the family of the Association of Southeast Asian Nations (ASEAN), the Prime Minister of Thailand made a telephone call to the Prime Minister of Cambodia on 24 July 2008. The two leaders had a very friendly and cordial telephone conversation about the issue pertaining to the relations between our two countries. Both leaders agreed to continue our bilateral consultations to seek a just and peaceful solution to the current challenge.

2. The agreed bilateral consultations between the two Ministers for Foreign Affairs will take place on 28 July 2008 in Siem Reap Province of Cambodia. This scheduled second bilateral meeting — the second high-level meeting between the two countries within a week's time — clearly reflects the continued willingness of both sides to resort to amicable resolution through appropriate bilateral channels, as in all the efforts and successes we had in the past. Thailand is confident that this meeting on 28 July 2008 will carry forward the momentum of the bilateral process started by the first bilateral meeting under the framework of the General Border Committee in Sa Kaeo Province of Thailand on 21 July 2008 — the process which has found clear expression of support from both ASEAN and the international community.

3. It is within this context that Thailand welcomes the fact that, on 24 July 2008, the Security Council decided to postpone consideration of the request by Cambodia for an urgent meeting, which effectively sent a clear message of support for Thailand and Cambodia to continue with the bilateral process of consultations that has just started and is gaining momentum.

4. You may rest assured that Thailand will continue to engage in good faith to ensure a fruitful discussion in the scheduled bilateral ministerial meeting on 28 July 2008. The will and the way to resolve this current challenge are now clear, and the support received from ASEAN for this course of action is strong and consistent. Thailand will spare no effort to ensure that this challenge is resolved to the benefit of both countries and all members of the ASEAN family. Both the spirit of good-neighbourliness, which underpins the long-standing relations between our two countries, and the spirit of ASEAN solidarity, which has been collectively nurtured by countries in South-East Asia over the past 40 years, demand no less.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations

Enclosure 2

With reference to my Letters to you dated 22 July 2008 (S/2008/478) and 25 July 2008 (S/2008/490) regarding Thailand-Cambodia relations, I wish to take this opportunity to inform you about the latest progress in the bilateral consultative process between the two countries.

1. Pursuant to the bilateral discussions that took place between Thailand and Cambodia under the framework of the General Border Committee in Sa Kaeo Province of Thailand on 21 July 2008, and the telephone conversation between the Prime Minister of Thailand and the Prime Minister of Cambodia on 24 July 2008, the Ministers for Foreign Affairs of Thailand and Cambodia met in Siem Reap Province of Cambodia on 28 July 2008. The two Ministers had a cordial and frank discussion on issues of common concern in the spirit of good-neighbourliness and the spirit of ASEAN solidarity. At the end of the meeting, both sides agreed to recommend the following to their respective Governments:

- Both countries should exercise the utmost restraint so that the current problem will be settled through peaceful means, using existing bilateral mechanisms, including the Foreign Ministers' meeting and the Thailand-Cambodia Joint Commission on Demarcation for Land Boundary, which was set up by the 2000 Memorandum of Understanding on the Survey and Demarcation of Land Boundary.
- Both sides agreed to undertake the following provisional arrangement pending survey and demarcation by the Joint Boundary Commission:
  (1) Demining of the area to be surveyed and demarcated by the Joint Boundary Commission in a concerted manner;
  (2) Setting up of a Temporary Coordinating Task Force comprising the relevant agencies from both sides to address problems related to the area, including the Pagoda;
  (3) Redeploying both sides' respective troops out of the "Keo Sikha Kiri Svara" Pagoda, the area surrounding the Pagoda, and the Temple of Preah Vihear.
- This arrangement shall be without prejudice to the rights of both sides regarding the survey and demarcation within the framework of the Joint Boundary Commission and their legal positions.
- Both sides agreed to discuss other matters not yet agreed upon during this meeting at the next Foreign Ministers' meeting.

2. The outcome of the said Foreign Ministers' meeting firmly underlines the common will and determination of both Thailand and Cambodia, neighbours for life and members of the ASEAN family, to move ahead within the framework of the bilateral consultative process with a view to arriving at a mutually satisfactory conclusion for the benefit of our two countries and peoples.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations

Enclosure 3

With reference to my letter to you dated 21 July 2008 (S/2008/474) providing accounts of fact regarding Thailand-Cambodia relations, and the subsequent letter of the Permanent Representative of the Kingdom of Cambodia to you dated 21 July 2008 requesting an urgent meeting of the Security Council on the matter (S/2008/475), I have the honour to inform you of the following:

1. The Kingdom of Thailand once again reiterates her position of attaching great importance to cordial relations with the Kingdom of Cambodia, which is her close neighbour and family member of the Association of Southeast Asian Nations (ASEAN). Thailand is convinced that, through friendly bilateral consultations and negotiations, the current challenge, like every other past challenge, can be resolved amicably on the basis of the friendship, goodwill and sincere cooperation that have long existed between our two Governments and peoples. With this in mind, Thailand has exercised utmost restraint and has been taking effective measures to ensure that the issue is resolved amicably between the two brotherly countries.

2. The process of bilateral consultations has just started. The first step began on 21 July 2008 in Sa Kaeo Province of Thailand under the General Border Committee, headed by high-level representatives from both countries. The meeting has resulted in easing the tension, and both sides agreed to continue this process of bilateral consultations and further talks would be held. Among the issues discussed and preliminarily agreed to by negotiators during the said General Border Committee meeting and being considered by both Governments are:

2.1 Redeployment of both sides' respective military personnel from the Temple of Preah Vihear and the area surrounding the Keo Sikha Kiri Svara Pagoda as soon as possible;

2.2 Joint demining in the area to be surveyed and demarcated by the Joint Boundary Commission for survey and demarcation work of the Commission;

2.3 Confirmation by the Cambodian side that it will develop a new site for the Cambodian community currently living in the area so as to facilitate the survey and demarcation in the area by the Joint Boundary Commission;

2.4 Setting up of a Temporary Coordinating Task Force comprising respective agencies concerned of both sides to address any problems related to the area.

All attention should be called to the fact that the Prime Ministers of the two countries have also expressed their conviction to resolve the issue through friendly bilateral consultations and have also called for an early meeting of the Joint Boundary Commission, which is a joint mechanism established by both countries. As in every other case around the world, consultations and negotiations are a process, not an event, and they require good faith, perseverance and patience by the parties concerned. Thailand is committed to ensuring the success of this process.

3. The aforementioned bilateral process has continued to receive clear and unanimous support from ASEAN, of which both Thailand and Cambodia are members. In a statement by the ASEAN Chair dated 20 July 2008, ASEAN Foreign Ministers expressed their hope in the bilateral talks between the two countries, and offered facilities to be placed at the disposal of the two countries concerned. In a

statement dated 22 July 2008, the Minister for Foreign Affairs of Singapore, who is currently the Chair of the ASEAN Standing Committee, following his consultations with ASEAN Foreign Ministers, said "Both Cambodia and Thailand reiterated that they were committed to a peaceful resolution of the issue and assured me that the General Border Committee would continue to meet, and that the next meeting would be held in the near future." He also said, "there was also a general view that the bilateral process should be allowed to continue" and "the ASEAN Foreign Ministers remain seized of the issue, and I have requested Cambodia and Thailand to provide an update at the next Informal ASEAN Ministerial Meeting in New York". The informal ministerial meeting is scheduled to be held in September 2008. A copy of the said statement is included herewith as attachment I.

4. Attention should also be drawn to the letter dated 22 July 2008 from the Minister for Foreign Affairs of Singapore, in his capacity as ASEAN Chair, addressed to the Minister for Foreign Affairs of Cambodia and copied to all ASEAN Foreign Ministers and the ASEAN Secretary-General, conveying the message referred to in the paragraph above. The letter also stipulates: "I assure you that the ASEAN Foreign Ministers are fully mindful that how this issue is handled will greatly affect ASEAN's credibility. They also emphasized to me that if the parties concerned are too quick to resort to the United Nations Security Council, this would do harm to ASEAN's standing and may actually make the resolution of the issue more difficult." A copy of the letter is included herewith as attachment II.

5. Despite the commencement of the bilateral process and a clear expression of the wish and desire of all parties concerned that this process should be allowed to continue, Thailand could not help being perplexed by the letter from the Permanent Representative of Cambodia dated 21 July 2008 requesting an urgent meeting of the Security Council on this matter. The said letter came hours after the ASEAN Chair statement dated 20 July 2008 and the first meeting of the General Border Committee on 21 July 2008. One can only wonder why Cambodia has resorted to this course of action with such a great haste.

6. In conclusion, Thailand reiterates her firm conviction that the present challenge shall and can be resolved amicably through friendly bilateral consultations and negotiations within the relevant bilateral frameworks established by both countries, and on the basis of goodwill, good faith, the principle of good-neighbourliness, long-lasting friendship between the two countries and the spirit of ASEAN solidarity that has underpinned that regional organization since its inception.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations

Attachment I

Statement by the Minister for Foreign Affairs of Singapore

22 July 2008

I held informal discussions on 22 July 2008 with ASEAN Foreign Ministers to discuss the latest developments in the Preah Vihear issue. Both Cambodia and Thailand reiterated that they were committed to a peaceful resolution of the issue and assured me that the General Border Committee would continue to meet, and that the next meeting would be held in the near future.

The ASEAN Foreign Ministers had earlier offered ASEAN's facilities at the disposal of Cambodia and Thailand as they recognized the importance of maintaining peace and stability in the region. There was a proposal for an ASEAN Contact Group to help support the efforts of Thailand and Cambodia to find a peaceful resolution to the issue. The proposal found favour with a number of Foreign Ministers, but there was also a general view that the bilateral process should be allowed to continue, and there is still no consensus for the formation of such a group.

The ASEAN Foreign Ministers remain seized of the issue, and I have requested Cambodia and Thailand to provide an update at the next Informal ASEAN Ministerial Meeting in New York.

Thailand and Cambodia gave the assurance that they would exercise utmost restraint and resolve the issue amicably in the spirit of ASEAN solidarity and good-neighbourliness. Both sides also reiterated that they would handle the situation in accordance with their ASEAN and international obligations.

Attachment II

1. I refer to your letter dated 21 July 2008 informing me of the situation between Thailand and Cambodia, and seeking Singapore's assistance as ASEAN Chair to form an ASEAN Contact Group to find a peaceful resolution to the matter.

2. The ASEAN Foreign Ministers were briefed by both Cambodia and Thailand over dinner on 20 July 2008, during which both sides were urged to exercise utmost restraint and resolve the matter amicably in the spirit of ASEAN solidarity and good-neighbourliness. Recognizing the importance of maintaining peace and stability in the region, the ASEAN Foreign Ministers offered ASEAN's facilities at the disposal of Cambodia and Thailand, in the event that they felt the need for further support to find an early resolution to the issue.

3. I undertook informal consultations with the ASEAN Foreign Ministers and representatives today. Both Cambodia and Thailand reiterated that they were committed to a peaceful resolution of the issue and assured me that the General Border Committee would continue to meet, and that the next meeting would be held in the near future.

4. The proposal for an ASEAN Contact Group found favour with a number of Foreign Ministers, but there was also a general view that the bilateral process should be allowed to continue, and there is still no consensus for the formation of such a group. As the ASEAN Foreign Ministers continue to be seized of the issue, I requested Cambodia and Thailand to provide an update at the next Informal ASEAN Ministerial Meeting in New York.

5. I assure you that the ASEAN Foreign Ministers are fully mindful that how this issue is handled will greatly affect ASEAN's credibility. They also emphasized to me that if the parties concerned are too quick to resort to the United Nations Security Council, this would do harm to ASEAN's standing and may actually make the resolution of the issue more difficult.

(*Signed*) George **Yeo**